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Security Council

Seventy-first year

Provisional

7827th meeting
Tuesday, 6 December 2016, 10 a.m.
New York

President:	Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Gimolieca
	China	Mr. Xu Zhongsheng
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Taula
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Barro
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/1011)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/1011)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/1011, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Security Council will hear briefings by Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, and Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya.

I now give the floor to Mr. Kobler.

Mr. Kobler (*spoke in Spanish*): First, I would like to congratulate Spain on its accession to the presidency of the Security Council for December.

Members of the Council have before them the latest report of the Secretary-General on the activities of the United Nations Support Mission in Libya (S/2016/1011). I would like to update members on developments in the situation.

(*spoke in English*)

The first anniversary of the signing of the Libyan Political Agreement on 17 December is fast approaching. It is time to take stock. I will concentrate my remarks on the following three points. First, what has been achieved so far? Secondly, what are the challenges? Thirdly, what is the outlook for Libya in 2017?

With respect to my first point, the Presidency Council has been operating for almost nine months from Tripoli. Following economic talks in London and Rome, the Presidency Council now meets regularly with financial institutions to address Libya's economic troubles. Oil production has increased significantly, tripling from August to almost 600,000 barrels a day. I am thankful for the fact that the international community is clear and in consensus. It supports the Presidency Council and the Libyan Political Agreement.

In that regard, the African Union, the League of Arab States and the United Nations have formed a troika to work together and provide stronger support. Ambassadors are submitting their credentials to the Presidency Council, and Member States are looking to return to Tripoli. Advances against terrorism have been made in both the east and the west. The Islamic State has shrunk from occupying the entirety of Sirte to now just few buildings. Although it continues to be a threat, the days of the Islamic State controlling territory in Libya are over, while in Benghazi the Libyan National Army continues to make progress, taking area after area. I would like to pay tribute today once again to all the sons of Libya who have sacrificed their lives for this common cause. I would also like to commemorate the many civilians who have died in the course of these clashes.

My second point is that while these developments are encouraging, there is much to be concerned about. The institutions of the Libyan Political Agreement still work far below expectations. Although the Presidency Council resides in Tripoli, the Government of National Accord has limited authority. Twice, proposed Government of National Accord lists have been rejected by the House of Representatives. Cooperation within and between many of the institutions remains gridlocked. Pretender Governments compete for power. The Interim Government in Bayda exists in parallel to the Government of National Accord. The Government of National Salvation has also tried make a comeback in recent weeks, creating a tense stand-off between rival armed groups in Tripoli.

The fragmented security situation allows criminal and terrorist networks to flourish. Kidnappings, extortion, and theft occur daily. Over the last days,

we have seen the most violent clashes in Tripoli since 2014 between armed groups competing for power and territory. I am very concerned and take this opportunity to urge and call on forces engaged in the violence there to immediately stop fighting and terrorizing the population, and I call for wisdom to prevail.

The deadly clashes were triggered by the murder of the religious scholar Sheikh Nader Al-Omrani, whom I met a few months ago. We recently also saw clashes in Sabha, in the south, where 23 persons were killed. These events are symptoms of the lack of security and underlying tensions among communities. Weapon deliveries are still going on, and they appear in violation of the weapons embargo imposed by the Security Council and sometimes end up in the hands of terrorist groups throughout the region. Until Libya has a reliable and coherent security apparatus, the arms embargo must remain in force and enforced.

The fundamentals of the Libyan economy also need to be tackled as a matter of urgency. Although the increase in oil production provides some relief, Libya runs a budget deficit of around 70 per cent of gross domestic product (GDP) — the largest budget deficit compared to GDP in the world. Still, the Presidency Council has challenges utilizing funds. Relations between the Central Bank and the Presidency Council are strained. While the some opponents of the Libyan Political Agreement in Tripoli seem to have unrestricted access to huge sums of money, the Presidency Council and the Central Bank of Libya are still struggling to find a way to disburse money.

I urge the Central Bank of Libya to save the Government of National Accord and other institutions by rapidly disbursing money in an orderly way and with a minimum of bureaucracy. Access to funds is the lifeline of the Presidency Council. Libya's financial reserves have shrunk from $108 billion in 2013 to a mere $45 billion. The country will face an economic meltdown unless something changes.

People in Libya are rightly frustrated at the slow pace of progress. More containment is not a recipe for Libya in 2017. As many say, the mistake was to leave Libya alone after 2011. Six years later, we must engage more with our Libyan partners. Together, we must work so that root questions are firmly and decisively addressed. The situation requires Antibiotics, not aspirin.

I am convinced that the Libyan Political Agreement remains the one and only viable framework. It is without alternatives. Until today, even the most vociferous critics of the Agreement acknowledge that it is the only workable framework. That said, the Libyan Political Agreement has not fulfilled expectations. its implementation has stalled. However its articles are not set in stone. The Libyan Political Agreement even foresees a mechanism for change, should the political circumstances demand. Libya must move forward. I would like to propose six points.

First, the outstanding political questions must be tackled. I have convened the Libyan political dialogue multiple times. In November, the Libyan political dialogue called on the House of Representatives to amend the Constitutional Declaration to incorporate the Libyan Political Agreement. I conveyed this message to the House of Representatives President, Mr. Agila Saleh Essa Gwaider, urging him to convene a meeting of the House of Representatives and vote, and thereafter endorse the Government of National Accord presented by the Presidency Council. Should this be difficult, I asked President Gwaider to tell us why, so that we could be helpful and address the open questions within the House of Representatives.

This being done, the Libyan Political Agreement will be owned by the institutions that it creates: the House of Representative and the State Council. All outstanding questions, including the supreme commandership and the chain of command of the Libyan Army, can be addressed by the process provided for by the Libyan Political Agreement. However, a path forward should consist of inclusive, peaceful dialogue and never military escalation.

Secondly, the issue of armed groups in Tripoli must be tackled urgently. In this regard, I give my full backing to the creation of the presidential guard, which will provide protection to State institutions and embassies. I agree with those who say that the Presidency Council and the Government of National Accord must not be protected by armed groups. The vision of a presidential guard has been transformed into a realistic plan. This plan deserves our full support. It is not an alternative to the building up of the Libyan Army under a unified command. Once established, the presidential guard will apply for exceptions from the weapons embargo to the Committee established pursuant to resolution 1970 (2011). The United Nations Support Mission in Libya (UNSMIL) will convene a high-level meeting next week, on 13 December, to remove the obstacles to the formation of the presidential guard.

Thirdly, the fight against terrorism has produced results. I have spoke about Sirte and Benghazi. However, the gains are not irreversible. The economic recovery of Sirte and Benghazi in particular has to be planned and implemented. This is a matter of priority.

Fourthly, the fundamentals of the Libyan economy must be addressed. Deficit, inflation, the lack of liquidity and more must be tackled to avoid economic meltdown. The Presidency Council must have access to funds and the capacity to disperse them. In this regard, I will maintain my support to the current multilateral meetings on Libyan financing, which have already led to valuable achievements such as the appointment of the Minister of Finance. I intend to provide technical support to the Presidency Council to assist in building its administrative capacity.

Fifthly, the issue of human rights and the rule of law, including the situation of migrants, must be more effectively and comprehensively addressed. Libya is a human marketplace. That is a shame for a country like Libya. It has to be addressed and it has to end. The rule of law must also be respected. Summary justice dispensed by armed groups must make way for due process. Abductions, assassinations and threats against judicial officers and social activists must cease. In this regard, I would like to reiterate my full support to the efforts of the International Criminal Court and applaud the Prosecutor's announcement that new investigations will begin in Libya.

Sixthly and finally, I want to emphasise the importance of UNSMIL returning to Tripoli in a phased way once security questions are adequately mitigated. We can be far more effective there than we can hope to be in Tunis. UNSMIL must return to Libya; we should do it now to support all partners in these difficult moments. Stability can be better achieved if the international community is on the ground and not in exile.

(*spoke in Spanish*)

I would like once again to thank the Security Council for its unwavering support to the Libyan Political Agreement. The only alternative to the Libyan Political Agreement is chaos. The Libyan Political Agreement must work, can work and will work.

The President (*spoke in Spanish*): I thank Mr. Kobler for his briefing.

I now give the floor to Ambassador Ibrahim.

Mr. Ibrahim (Malaysia): In accordance with paragraph 24 (e) of resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by the same resolution. The report covers the period from 15 September to 6 December 2016, during which time the members of the Committee met once in informal consultations and dealt with a number of issues via the silence procedure.

At the outset, I would like to brief the Council on the main points of the interim report of the Panel of Experts under resolution 2278 (2016), which the Panel submitted to the Security Council on 28 September. In the report, the Panel described several spoiling actions by armed groups and political actors, both in the east and the west of Libya, that delayed or complicated the political transition as laid out in the Libyan Political Agreement.

On the security side, the Panel reported unabated military activities, including the use of air assets by different actors, in Benghazi and Darnah and in the fight against the Islamic State in Iraq and the Levant (ISIL) in Sirte. The Panel noted a change in control over oil facilities, and continued clashes between armed groups in Tripoli and along the coastal road to Tunisia. The Panel expressed concern about the increased presence of foreign armed groups in Libya, as well as continued human rights violations by various factions, in particular by ISIL, including mass killings, arbitrary arrests and detentions and kidnappings

Concerning violations of the arms embargo, the Panel reported on transfers of military aircraft and vehicles and the presence of mercenaries and foreign military forces, as well as foreign airstrikes, and also expressed its concern with regard to diversions, both within and emanating from Libya. The Panel assessed that armed groups continued to finance themselves through illegal means, including through the smuggling of fuel. The Panel noted with concern the continued fragmentation of Libya's financial and oil institutions.

With regard to the assets freeze, the Panel informed that it was investigating alleged attempts to move large amounts of assets from other parts of Africa back to Libya. The Panel furthermore reported on its investigations concerning the assets of other listed individuals and confirmed a violation of the travel ban by a listed individual.

The Panel presented a total of 16 recommendations, of which one was directed at the Security Council, 13 at the Committee and two at Member States. The Committee discussed the Panel's interim report and its recommendations during informal consultations held on 20 October. The Panel's report was generally well received. The main points emerging in the discussion were concerns about the political transition and the security situation; security assistance to the Government of National Accord; arms flows into and out of Libya and the financing of armed groups. The Committee agreed to follow up on six recommendations. On 26 October, the Committee issued a press release containing a brief summary of the informal consultations.

Let me now very briefly touch on the activities of the Committee during the reporting period, which notably increased. On 4 October, the Committee received an inspection report from the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED) Operation Sophia. No prohibited items were found on board the inspected vessel. In accordance with paragraph 10 of resolution 2292 (2016), the Committee informed the flag State of the inspection on 14 October. On 25 October, the Committee extended an invitation to the operations commander of EUNAVFOR MED Operation Sophia to brief the Committee, in accordance with paragraph 3 (c) of the Committee's guidelines. The date of the briefing is in the process of being determined.

In follow-up to a recommendation made by the Panel of Experts in its interim report, the Committee updated the existing entries on its sanctions list with additional identifying information on 11 November, and subsequently issued a corresponding press release and note verbale to all Member States. Also in follow-up to recommendations contained in the Panel's interim report, the Committee dispatched two notes verbales to all Member States on 15 November, covering issues relating to the arms embargo and to funding for investigations by the International Criminal Court.

On 21 November, following receipt of a note verbale from the Permanent Mission of Libya to the United Nations nominating a focal point concerning the measures set out in resolution 2146 (2014) in relation to attempts to illicitly export crude oil from Libya, the Committee wrote to Libya to request the contact details of that focal point.

During the reporting period, the Committee also received two arms embargo exemption requests invoking paragraph 9 (c) of resolution 1970 (2011), one of which it approved. The Committee furthermore received an assets freeze exemption request invoking paragraph 19 (b) of resolution 1970 (2011), which is currently on hold pending the receipt of additional information. The Committee also responded to two requests for guidance on the arms embargo as it relates to non-lethal military equipment, and to one request for guidance on the assets freeze measure as it relates to a listed entity.

Finally, given that this is my last briefing to the Council under paragraph 24 (e) of resolution 1970 (2011), I would like to thank the Committee members for all the cooperation and support rendered over the past two years.

The President (*spoke in Spanish*): I thank Ambassador Ibrahim for his briefing.

The representative of Uruguay has asked for the floor to make a statement.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): We thank Special Representative Martin Kobler and Ambassador Ramlan Bin Ibrahim for their briefings. I also take this opportunity to thank Ambassador Ibrahim for his distinguished service at the helm of the Committee established pursuant to resolution 1970 (2011).

Five years after the Libyan civil war, which destroyed the country, and one year since the signing of the Libyan Political Agreement, we must say that — if we are totally sincere — regrettably there has been no major progress seen in the political transition process or in putting together the Government of National Accord. The support the Government has garnered within the Libyan political system is minimal, while the terms set for each new step — such as the presentation of a revamped list of the members of the Cabinet to the House of Representatives in Tobruk in order to secure its long-delayed endorsement — continue to undermine the chances for stabilizing the country and putting it back on track towards normalcy. It is essential that the Presidency Council of the Government of National Accord expand its base of support among the population. Otherwise, it will be very difficult for it to eventually succeed in governing the country under relatively normal conditions.

Of the few news we can highlight is the progress in the anti-terrorist struggle, which has made it possible to advance on positions of the Islamic State in Iraq and Syria, mostly in Sirte and Benghazi.

We continue to be concerned about the serious humanitarian situation for the Libyan population. According to the Office for the Coordination of Humanitarian Affairs, more than 1 million people are in need of assistance. Migrants continue to face a desperate situation given the fact that, in spite of the measures that the Security Council has adopted, the Mediterranean Sea continues to serve as a grave for thousands of Libyans and other nationals who try to cross it for a better future.

We welcome the announcement by the Organization for the Prohibition of Chemical Weapons of the completion of the elimination of the remaining chemical weapons in Libya, which have been transferred outside of the country for subsequent destruction, in compliance with resolution 2298 (2016), which the Council adopted in July.

We reiterate our support to the Special Representative of the Secretary-General and for the role of the United Nations Support Mission in Libya. We urge them to continue their joint efforts with Prime Minister Serraj and the Presidency Council of the Government of National Accord. Their work will be key to ensuring that the Government of National Accord can consolidate its legitimacy throughout the country, which is the only way by which it can urgently address the major challenges that await it to respond to the multiple and growing needs facing Libya, as Mr. Kobler pointed out a few moments ago, including combating terrorism and the serious humanitarian, economic and security crises affecting millions of people.

Against that backdrop, we believe that it will be important to carefully establish a new mandate for the Mission. We also think that the strategic review recommended by the Secretary-General, to be carried out at the beginning of the next year, presents a good opportunity to harmonize the presence of United Nations in Libya with the political, operational and security reality on the ground.

The President (*spoke in Spanish*): I now give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): I would like to congratulate you, Mr. President, on your country's assumption of the presidency of the Security Council for this month, as well as to thank Mr. Martin Kobler for his important briefing.

On behalf of the Government of National Accord, I would like to welcome the extension of the mandate of the United Nations Support Mission in Libya (UNSMIL). We hope that the Mission will soon be able to return to Tripoli and be more active in the coming months, in particular with regard to the implementation of the Libyan Political Agreement and in strengthening State institutions.

I would also like to thank His Excellency Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, for his briefing in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011), concerning Libya, as well as for his country's efforts during its chairmanship from 2015 to 2016.

The Libyan Political Agreement was signed almost a year ago, on 17 December2015. However, the Agreement still faces very serious difficulties, in particular the rejection by the House of Representatives of the Government of National Accord. That has led to paralysis in various aspects of the Agreement, especially with respect to people's everyday lives and the economic and security situation. We hope that UNSMIL will in the future continue its efforts to cope with such challenges with a view to establishing peace and security in the country so that the Government of National Accord can assume tasks.

In spite of the international consensus to support the Government of National Accord, such support is insufficient because the success of the Government largely depends upon the implementation of certain aspects of the Political Agreement, starting with security measures. It also depends upon the establishment of an armed force to secure Tripoli in cooperation with a police force that is equipped and capable of dealing with potential challenges. In that framework, UNSMIL is the guarantor of the Political Agreement and it is its duty to make known any violations of the agreement. It is time for UNSMIL to change its mode of operations. It ought to be more proactive by making proposals, as a lack of institutions and a lack of experts in different sectors makes it almost impossible to request assistance from UNSMIL.

With respect to assistance in fighting terrorism in my country, we commend the huge efforts made and the successes in Benghazi and Sirte in the fight against

groups listed as terrorists in the relevant Security Council resolutions. Those efforts have helped lead to the defeat of those groups. We hope that the international community will provide more assistance in accordance with resolution 2214 (2015).

I took note of the report of the Secretary-General contained in document S/2016/1011. In spite of the delay in its publication and the fact that we did not really have time to examine it in detail, we can say that the report sheds light on recent developments, in particular on political developments, and does state that Tripoli is under the control of armed groups. It mentions certain aspects of security, the recovery of oil exports and efforts of UNSMIL in other domains. Furthermore, the report also sheds light on negative aspects, including human rights violations, shortcomings in transitional justice and the suffering of civilians in different regions due to military operations and arbitrary bombing. It also mentions the weakness of efforts to empower women and youth and the participation of women and youth in the transition process. All of those aspects represent very serious challenges to the stability of Libya. It is important to overcome the current legislative impasse so that the Government can start to carry out its functions.

With respect to the mandate of UNSMIL proposed for 2017, we have noted very few changes because the efforts of UNSMIL are mainly focused on the political sector in order to bring together the differing viewpoints of political parties. We hope that UNSMIL will focus on other sectors, including security and the disarmament, demobilization and reintegration programme. We also hope that UNSMIL will help in strengthening institutions, particularly security institutions. We commend the setting up of a presidential guard and we hope that it will be able to start its operations very soon. We also hope that it will be exempt from the arms embargo so that it can adequately perform its duties.

With respect to the Libya Sanctions Committee, we also commend its efforts. We hope the relationship with the Security Council Committee established pursuant to resolution 1970 (2011) will be based on partnership and transparency. We hope that sanctions on Libya will be managed in a different manner, given that they were originally imposed in the interests of the Libyan people.

Following what the representative of Uruguay has just said — that Libyans are dying in the Mediterranean trying to cross it — I would like to say that Libya is still a transit country and not a country of origin.

The President (*spoke in Spanish*): I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.